The City Council convened in a Regular City Council Meeting on Tuesday, September 25, 2018, at 7:00 p.m. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council John Hanneke, presiding, and the Honorable Mayor Sally A. Faith and Members of the Council present as follows: Dave Beckering, Tom Besselman, Bart Haberstroh, Rod Herrmann, Bridget Ohmes, Mary Ann Ohms, Vince Ratchford, and Mary West. Absent: Jerry Reese. City Clerk Laura Whitehead was present and performed the duties of that office.

File # 48782

The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag.

Councilmember ROD HERRMANN made a motion to excuse the absence of Councilmember Jerry Reese. Councilmember BRIDGET OHMES seconded the motion. All voted in favor, motion passed.

PUBLIC HEARING (none)

REPORT OF THE MAYOR/AWARDS/PROCLAMATIONS/PRESENTATIONS

Verbal Update from the Festival of the Little Hills Committee

Chairman Mark Stubblefield and Vice Chairman Brent Schulz and Members of the Festival of the Little Hills Committee provided a brief update on the 2018 Event, distributed an informational paper regarding this year's event and reported their 2019 Event will have an encampment added to the festivities in recognition of the City's 250th birthday. Mr. Stubblefield and Mr. Schulz thanked the Mayor and City Councilmembers for their assistance and cooperation with this year's event.

<u>Check Presentation to Mid-East Area Agency on Aging for the Meals on Wheels</u> Program (Councilmember Jerry Reese)

City Clerk Laura Whitehead reported Councilmember Jerry Reese has requested this item be held and placed on the October 2, 2018 Regular City Council Meeting agenda.

Appointments to Boards/Commissions/Committees

A motion was made by DAVE BECKERING to approve the following appointments:

<u>Subdistrict Directors of the New Town at St. Charles Theater, Cultural Arts and Entertainment District</u>

Appointment of JoAnne Menke to Subdistrict 1 for a 4 year term ending September 2022 Appointment of Brigid Elam to Subdistrict 2 for a 4 year term ending September 2022 Appointment of Jeff Haynes to Subdistrict 3 for a 4 year term ending September 2022 Appointment of Jason McCartney to Subdistrict 7 for a 4 year term ending September 2022

MARY ANN OHMS seconded the motion. A roll call vote was taken with the following results: "Aye": Besselman, Haberstroh, Hanneke, Herrmann, Ohmes, Ohms, Ratchford, West, and Beckering. "Nay": None. Absent: Reese. Motion passed.

Written and/or Verbal Messages from the Mayor

The Honorable Mayor Sally Faith announced several upcoming events "happening" in the City of Saint Charles. For more information on "What's Happening" in St. Charles, visit www.discoverstcharles.com

The Honorable Mayor Sally Faith announced the City of Saint Charles has been named as the 32nd Best Places to Live by Money Magazine.

PUBLIC COMMENT

Dale Bax, 221 Point West Blvd., St. Charles, Missouri, representing Pinnacle Development, announced he was here to answer any questions in reference to Council Bills 12633, 12634 and 12635. There were no questions from the Council Members.

Tom Mauerer, spoke in opposition to Council Bill 12622.

Curtis Wilcoxen, 208 North Main Street, representing Lloyd & Harry's, spoke in opposition to Council Bill 12622.

Diana Neigel, 208 North Main Street, representing Lloyd & Harry's, spoke in opposition to Council Bill 12622.

Gus Page, spoke in opposition to Council Bill 12622.

Derek Smith, spoke on City Council Policy.

Dawn Dulle, 2784 Kettering Drive, representing Shelter Friends, spoke on a request/proposal to build a new animal control building.

Penny Pitman, 105 North Main Street, spoke in favor of Council Bill 12622.

Randy Schilling, 119 South Main Street, spoke in favor of Council Bill 12622.

RESOLUTIONS

A Resolution Declaring Equipment Assigned to the Parks and Recreation Department as Surplus Property and Authorizing Disposal by On-Line Auction Service GovDeals or Recycling (Sponsor: Mary Ann Ohms)

Passed "Aye": Haberstroh, Hanneke, Herrmann, Ohmes, Ohms, Ratchford, West,

Beckering and Besselman

"Nay": None

Absent: Reese

Approved by the Honorable Mayor on September 27, 2018 and is known as **Resolution 18-044**

BILLS FOR FINAL PASSAGE

Bill 12622 (Substitute Bill No. 1)

An Ordinance Enacting New Code of Ordinance Sections to be Known as Sections 600.015 and 600.148; Amending Sections 600.010, 600.150, 600.180, 600.240, 600.260 and 600.280 Pertaining to Liquor Control; Providing a Severability and Savings Clause; and Providing for an Effective Date (Sponsors: Dave Beckering, Mary West, Bart Haberstroh, John Hanneke, Rod Herrmann and Bridget Ohmes)

Councilmember MARY ANN OHMS requested a separate vote on Council Bill 12622.

Councilmember DAVE BECKERING provided a brief overview of the amended bill as outlined on the RCA.

Councilmember MARY ANN OHMS stated she appreciates those who spoke in support of the bill; however, she cannot agree with removing the \$200,000 requirement that would apply to the current restaurant/bar owners – this would be okay if this were being applied to new business owners or transfer of ownership.

Councilmember TOM BESSELMAN voiced concerns with removing the \$200,000 from the ordinance and requested the bill be amended to keep the \$200,000 language for the existing businesses and new businesses at these locations will be required to meet the 50/50 requirement.

Passed "Aye": Herrmann, Ohmes, Ratchford, West, Beckering, Haberstroh and

Hanneke

"Nay": Ohms and Besselman

Absent: Reese

Approved by the Honorable Mayor on September 27, 2018 and is known as Ordinance 18-201

Bill 12623

An Ordinance Fixing and Establishing the Rate and Levying the Taxes for the General Revenue Funds and for the Various Special Funds of and for the City of Saint Charles, Missouri, for the Year Two Thousand and Eighteen (*Sponsor: John Hanneke*)

Passed "Aye": Hanneke, Herrmann, Ohmes, Ohms, Ratchford, West, Beckering,

Besselman and Haberstroh

"Nay": None Absent: Reese

Approved by the Honorable Mayor on September 25, 2018 and is known as **Ordinance 18-202**

Bill 12624

An Ordinance Amending Ordinance Number 17-272 by Amending Certain Revenue, Expenditure, and Fund Balance Accounts for the Budget for the Fiscal Year 2018 (Budget Amendment #11) (Sponsor: John Hanneke)

Passed "Aye": Hanneke, Herrmann, Ohmes, Ohms, Ratchford, West, Beckering,

Besselman and Haberstroh

"Nay": None Absent: Reese

Approved by the Honorable Mayor on September 27, 2018 and is known as Ordinance 18-203

Bill 12625

An Ordinance Approving a Program-Funded State and Local Task Force Agreement Between the United States Department of Justice, Drug Enforcement Administration, and the City of St. Charles, Missouri to Participate in the St. Louis Division Task Force Program for the Period October 1, 2018 Through September 30, 2019 and Authorizing the Mayor to Execute the Agreements (*Sponsors: Jerry Reese and John Hanneke*)

Passed "Aye": Hanneke, Herrmann, Ohmes, Ohms, Ratchford, West, Beckering,

Besselman and Haberstroh

"Nay": None Absent: Reese

Approved by the Honorable Mayor on September 27, 2018 and is known as Ordinance 18-204

Bill 12626

An Ordinance Declaring the Real Property Located at 2795 Zumbehl Road Surplus and Authorizing Disposal by Sale to George Worthington Properties, LLC for the Sale Price of \$101,000 and Granting the Mayor and City Clerk Continuing Authority to Execute Documents Necessary to Carry out the Intent of this Ordinance (Sponsor: Bridget Ohmes)

Councilmember Bridget Ohmes requested Council Bill 12626 is tabled until the October 2, 2018 Regular City Council Meeting.

Bill 12627

An Ordinance Amending Section 405.220 of the Code of Ordinances Pertaining to Improvements Installed and Guaranteed by Reducing the Maintenance Guarantee Period from Eighteen Months to Twelve Months (*Sponsor: Rod Herrmann*)

Passed "Aye": Hanneke, Herrmann, Ohmes, Ohms, Ratchford, West, Beckering,

Besselman and Haberstroh

"Nay": None Absent: Reese

Approved by the Honorable Mayor on September 27, 2018 and is known as **Ordinance 18-205**

Bill 12628

An Ordinance Authorizing an Agreement Between the Department of Army and the City of St. Charles, Missouri for Development of a Comprehensive Plan for Bangert Island Flood Risk and Riverfront Transformation Project (Sponsors: Vince Ratchford and Rod Herrmann)

Passed "Aye": Hanneke, Herrmann, Ohmes, Ohms, Ratchford, West, Beckering,

Besselman and Haberstroh

"Nay": None Absent: Reese

Approved by the Honorable Mayor on September 25, 2018 and is known as Ordinance 18-207

Bill 12629

An Ordinance Authorizing a Memorandum of Understanding Between the City of St. Charles School District, the City of St. Charles and the St. Charles County Juvenile Office to Establish Guidelines for the Handling of Minor School-Based Offenses (Sponsors: Jerry Reese and John Hanneke)

Passed "Aye": Hanneke, Herrmann, Ohmes, Ohms, Ratchford, West, Beckering,

Besselman and Haberstroh

"Nay": None Absent: Reese

Approved by the Honorable Mayor on September 27, 2018 and is known as Ordinance 18-206

Bill 12630

An Ordinance Authorizing a Memorandum of Understanding Between the City of St. Charles School District and the City of St. Charles to Establish and Delineate the Mission of the School Resource Officer Program as a Joint Cooperative Effort (*Sponsors: Jerry Reese and John Hanneke*)

Passed "Aye": Hanneke, Herrmann, Ohmes, Ohms, Ratchford, West, Beckering,

Besselman and Haberstroh

"Nay": None Absent: Reese

Approved by the Honorable Mayor on September 27, 2018 and is known as **Ordinance 18-208**

Bill 12631

An Ordinance Authorizing the Appropriation of Not to Exceed \$1,508,000 for the Purpose of Defeasing a Portion of the General Obligation Bonds, SERIES 2013A, of the City of Saint Charles, Missouri, and Authorizing Certain Other Documents and Actions in Connection with the Defeasance of the Bonds (*Sponsor: John Hanneke*)

Passed "Aye": Hanneke, Herrmann, Ohmes, Ohms, Ratchford, West, Beckering,

Besselman and Haberstroh

"Nay": None Absent: Reese

Approved by the Honorable Mayor on September 26, 2018 and is known as Ordinance 18-209

Bill 12632

An Ordinance Authorizing the Vacation of a Utility Easement Located at 2300 First Capitol Drive, Also Known As Lot One of Energy Marketing 1226, LLC Consolidated Plat (*Sponsor: Tom Besselman*)

Passed "Aye": Hanneke, Herrmann, Ohmes, Ohms, Ratchford, West, Beckering,

Besselman and Haberstroh

"Nay": None Absent: Reese

Approved by the Honorable Mayor on September 27, 2018 and is known as Ordinance 18-210

Bill 12633

An Ordinance Amending the Regulating Plan for the New Town at St. Charles by Removing a Tract of Land Consisting of Approximately 35.3 Acres Located at 3445 North Highway 94 from the New Town at St. Charles (*Sponsor: Mary Ann Ohms*)

Passed "Aye": Hanneke, Herrmann, Ohmes, Ohms, Ratchford, West, Beckering,

Besselman and Haberstroh

"Nay": None Absent: Reese

Approved by the Honorable Mayor on September 27, 2018 and is known as Ordinance 18-211

Bill 12634

An Ordinance Rezoning to City Zoning District R-1D (Single-Family Residential District) from City Zoning District PD-MU (Planned Development – Mixed Use) Approximately 35.3 Acres of Land Located at 3445 North Highway 94 (Sponsor: Mary Ann Ohms)

Passed "Aye": Hanneke, Herrmann, Ohmes, Ohms, Ratchford, West, Beckering,

Besselman and Haberstroh

"Nay": None Absent: Reese

Approved by the Honorable Mayor on September 27, 2018 and is known as Ordinance 18-212

Bill 12635

An Ordinance Rezoning to City Zoning District PD-R (Planned Development - Residential District) from City Zoning District R-1D (Single-Family Residential District) Approximately 35.3 Acres of Land Located at 3445 North Highway 94; Approving the Preliminary Development Plan of River Breeze Estates in Connection Therewith and Approving and Authorizing Execution of a Development Agreement (*Sponsor: Mary Ann Ohms*)

Passed "Aye": Hanneke, Herrmann, Ohmes, Ohms, Ratchford, West, Beckering,

Besselman and Haberstroh

"Nay": None Absent: Reese

Approved by the Honorable Mayor on September 27, 2018 and is known as Ordinance 18-213

Bill 12636

An Ordinance Amending Ordinance Number 17-223 to Remove a Condition in the Preliminary Development Plan Concerning Sidewalks and a Shared Use Path in the Charlestowne Place Development Located North of the Intersection of Island Harbor Drive and Boschertown Road and Approving and Authorizing a First Amended and Restated Charlestowne Place Development Agreement (*Sponsor: Rod Herrmann*)

Passed "Aye": Hanneke, Herrmann, Ohmes, Ohms, Ratchford, West, Beckering,

Besselman and Haberstroh

"Nay": None Absent: Reese

Approved by the Honorable Mayor on September 27, 2018 and is known as Ordinance 18-214

Bill 12637

An Ordinance Terminating the Equitable Sharing Memorandum of Understanding between the Federal Agencies of the Financial Investigation Task Force Group 28 and the City of St. Charles, Missouri Approved by Ordinance 18-058 and Authorizing a New Equitable Sharing Memorandum of Understanding for Participation in the United States Department of Justice Equitable Sharing Program (Sponsors: Jerry Reese and John Hanneke)

Passed "Aye": Hanneke, Herrmann, Ohmes, Ohms, Ratchford, West, Beckering,

Besselman and Haberstroh

"Nay": None Absent: Reese

Approved by the Honorable Mayor on September 27, 2018 and is known as **Ordinance 18-215**

Bill 12638

An Ordinance Repealing Ordinance No.18-055 and Enacting a New Ordinance: (1) Authorizing the Establishment of Checking Accounts with Commerce Bank, N.A., and Designating Persons Authorized to Sign Checks; (2) Designating Carrollton Bank a Depository of the City of St. Charles, Missouri, Authorizing the Establishment of Joint Bank Account Titled "The City of St. Charles, Missouri and St. Charles County Convention and Sports Facilities Authority" at Carrollton Bank, and Designating Persons Authorized to Initiate ACH Transfers or Sign Checks on Behalf of the City and Authority; and (3) Designating New Frontier Bank a Depository of the City of St. Charles, Missouri, Authorizing the Establishment of a Joint Bank Account Titled "City of St. Charles, Missouri and St. Charles County Convention and Sports Facilities Authority Convention Center Operations" and "City of St. Charles, Missouri and St. Charles County Convention Center Operations and "City of St. Charles, Missouri and St. Charles County Convention Center Operations" and "City of St. Charles, Missouri and St. Charles County Convention and Sports Facilities Authority Event Escrow Convention Center" and "Buy Down Fund" at New Frontier Bank, and Designating Persons Authorized to Initiate ACH Transfers or Sign Checks on Behalf of the City and Authority (Sponsor: John Hanneke)

Passed "Aye": Hanneke, Herrmann, Ohmes, Ohms, Ratchford, West, Beckering,

Besselman and Haberstroh

"Nay": None Absent: Reese

Approved by the Honorable Mayor on September 27, 2018 and is known as **Ordinance 18-216**

BILLS FOR INTRODUCTION

The following council bills were introduced:

Bill 12639

An Ordinance Authorizing an Intergovernmental Cooperation Agreement Between the City of St. Charles, Missouri and the City of St. Peters, Missouri for the Acquisition of Easements Across Certain Tracts of Land for Design and Construction of Public Storm Sewer Improvements and Maintenance of Said Improvements Associated with the P-31 Hermitage Storm Sewer Improvement Project (*Sponsor: Rod Herrmann*)

Bill 12640

An Ordinance Authorizing a Contract with WEX Bank for a Fleet Fuel Card Program to Facilitate the Purchase of Unleaded Gasoline and Diesel Fuel for the Term of January 1, 2019 through December 31, 2019 in an Amount Not to Exceed \$666,400 (Sponsor: John Hanneke)

Bill 12641

An Ordinance Authorizing One Stop Sign and One Sign that Reads "Cross Traffic Does Not Stop" on Hilltop Drive at the Intersection of Ken Drive (Sponsors: Bridget Ohmes, Rod Herrmann, Tom Besselman, Dave Beckering and Vince Ratchford)

Bill 12642

An Ordinance Authorizing Amendment Number 1 to the Professional Services Contract with Woodard & Curran, Inc. for Fountain Lakes Lift Station Low Flow Evaluation Project in an Amount of \$86,370.00, for a Total Contract Amount Not to Exceed \$110,170.00 (Sponsor: Rod Herrmann)

Bill 12643

An Ordinance Authorizing a Contract with TGB, Inc. for the Elm Point Water Treatment Plant Filter Control Modifications Project in an Amount Not to Exceed \$597,622.00 (Sponsor: Rod Herrmann)

Bill 12644

An Ordinance Authorizing Amendment Number 6 to the Agreement with Woodard & Curran, Inc. for Contract Wastewater Operations in an Amount of \$26,465.46, for a Total Contract Amount Not to Exceed \$2,090,591.92 (Sponsor: Rod Herrmann)

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Bill 12645

An Ordinance Authorizing Amendment Number 2 to the Engineering Services Contract with Crawford, Murphy & Tilly, Inc. for the Water Hammer and Surge Tank Study in the Amount of \$8,180.00 for a Total Amount Not to Exceed \$112,820.00 (Sponsor: Rod Herrmann)

Bill 12646

An Ordinance Authorizing a Contract with the City of Kirkwood, Missouri for the Purchase of Approximately 1,000 Tons of Bulk Road Salt for the 2018/2019 Winter Season in an Amount Not to Exceed \$56,740.00 (Sponsor: John Hanneke)

ITEMS FOR DISCUSSION AND/OR COUNCIL ACTION (none)

CONSENT AGENDA

A motion was made by DAVE BECKERING to approve the Consent Agenda. ROD HERRMANN seconded the motion. A roll call vote was taken with the following results: "Aye": Ohmes, Ohms, Ratchford, West, Beckering, Besselman, Haberstroh, Hanneke and Herrmann. "Nay": None. Absent: Reese. Motion passed.

- A. Approval of Council Minutes
 - 1. Regular City Council Meeting of September 4, 2018
 - 2. Public Hearing of September 4, 2018

File #48858

- B. Approval of Council Committee Reports
 - 1. Approval of Council Committee Minutes
 - a. Council Work Session (Closed) of September 4, 2018

File #48790

- b. Street Committee Meeting of September 11, 2018
- 2. Approval of Council Committee Motions/Actions/Recommendations
 - a. Council Work Session (Closed) of September 4, 2018 (none)
 - b. Street Committee Meeting of September 11, 2018
 - i. Motion to install one stop sign on Hilltop Drive at the intersection of Ken Drive and Bellevaux Place including signage "Cross Traffic Does Not Stop"
 - ii. Suggestion was made by Councilmember Beckering and Councilmember Besselman to check with the Parks Department relative to using their equipment instead of renting

C. Receipt of Reports from Boards, Commissions, or Committees Greater Saint Charles Convention & Visitors Commission Meeting of June 28, 2018 File #48805 2. Planning and Zoning Commission Meeting of July 23, 2018 File #48810 3. Public Facilities Authority Board Meeting of September 27, 2017 File #48859 Board of Adjustment Meeting of August 13, 2018 4. File #48797 5. Housing Authority Commission Meeting of July 18, 2018 File #48814 6. Citizens with Disabilities Advisory Board Meeting of July 25, 2018 File #48808 7. Special Business District Advisory Board Meeting of August 2, 2018 File #48799

- D. Receipt of Reports of the Director of Administration
 - 1. Monthly Report on Requests for Intra-Departmental Transfer of Appropriations > \$10,000 August 2018
 - 2. Report of the Planning Manager John Boyer Relative to Adoption of New Flood Maps for the Seclusion Area North of Highway 370 (*Ward 8*)

Director of Community Development Bruce Evans announced a meeting with FEMA officials and City officials is being held on Monday, October 15 at 1:30 p.m. here at City Hall in Conference Room A and all Councilmembers are invited to attend. File #48860

- E. Approval of Contracts and Easements from \$30,001 \$99,999
 - 1. Contract with Gerstner Electric for Street and Traffic Signal Installation in an Amount Not to Exceed \$38, 031.50

C18-383

- F. Preliminary Plats (none)
- G. Miscellaneous
 - 1. Report of the City Clerk Relative to Disposal of Various Records Pursuant to the Missouri Records Manual and State Records Retention Law (Clerk's Office)

File #48787

- 2. Report of the Court Administration Relative to Monies Collected and Deposited August 2018
- 3. Approval of Liquor License Application for Keyurkumar J. Patel dba Royal's Liquor located at 1813 Zumbehl Road

ITEMS REMOVED FROM THE CONSENT AGENDA

There were no items removed from the Consent Agenda.

ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Councilmember Mary Ann Ohms announced former Councilmember Laurie Feldman has been appointed to the Parks Foundation Board.

TABLED BILLS

Bill 12547

An Ordinance Amending Section 600.020 of the Code of Ordinances to Prohibit Disposal of Intoxicating Liquor During Certain Hours in the Historic Downtown District (Sponsors: Dave Beckering, Mary West and Bart Haberstroh)

Councilmember Dave Beckering inquired of City Attorney Michael Valenti if Council Bill 12547 can be removed from the table and withdrawn this evening. Mr. Valenti explained notification would need to be made on the October 2 council meeting agenda that the bill is being removed from the table and then the bill can be withdrawn at the October 16 council meeting.

APPROVAL OF CLOSED MINUTES

A motion was made by DAVE BECKERING to approve the following closed session minutes:

- A. August 21, 2018 Council Work Session relative to Legal actions, causes of action, or litigation (RSMo 610.021.1) and Preparation, including any discussions or work product, on behalf of the Council or its representatives for negotiations with employee group (RSMo 610.021.9) at 6:00 p.m. in Conference Room A, Fourth Floor, 200 N. Second Street, St. Charles, Missouri
- B. August 21, 2018 Regular City Council Meeting relative to Legal actions, causes of action, or litigation (RSMo 610.021.1) and Preparation, including any discussions or work product, on behalf of the Council or its representatives for negotiations with employee group (RSMo 610.021.9) at 9:00 p.m. in Conference Room A, Fourth Floor, 200 N. Second Street, St. Charles, Missouri
- C. September 4, 2018 Council Work Session relative to legal actions, causes of action, or litigation (RSMo 610.021.1), leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2) and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12) at 6:00 p.m. in Conference Room A, Fourth Floor, 200 N. Second Street, St. Charles, Missouri

ROD HERRMANN seconded the motion. A roll call vote was taken with the following results: "Aye": Ohms, Ratchford, West, Beckering, Besselman, Haberstroh, Hanneke, Herrmann and Ohmes. "Nay": None. Absent: Reese. Motion passed.

The Regular Council Meeting adjourned at 8:03 p.m.	
Date Approved	
City Clerk	John Hanneke, Presiding Officer